IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 2443 OF 2004

Mukund Rajaram Satale.... Petitioner

versus

State of Maharashtra ..... Respondent.

Shri A.M.Joshi for the petitioner
Shri Vinay Bhate h/f P.P.Chavan for respondent no.2.

CORAM; A.P. DESHPANDE, J.
DATED; 23RD MARCH, 2007

P.C.;

1. The petitioner by this petition takes an exception to the judgment and order dated 15-5-2001 passed in Appeal No. 67/99 by the School Tribunal. On termination of the petitioner from service he had filed an appeal before the School Tribunal calling in question the legality of the order of termination.

2. Perusal of the judgment and order passed by the Tribunal reveals that the petitioner was appointed as a drawing teacher in the school. It is undisputed that the educational qualification of the petitioner is S.S.C G.D.Art, and the question that fell for consideration before the school tribunal was as to whether the qualification of G.D.Art is a good

training/teaching qualification for a drawing teacher. The tribunal has concluded that G.D. Art is not the requisite qualification for drawing teacher. The service conditions of the employees of the private school are governed by the provisions of the MEPS Act and the Rules made thereunder. Schedule B atached to the rules lays down the eligibility criteria prescribed for Arts teacher. Schedule B (1)(4) lays down the qualification for Arts teacher and it provides qualification of Arts Master or Arts teacher diploma or any other qualification which is granted equivalence by the State Government with Art Master or Art teacher diploma. The petitioner has not placed on record any document indicating that the State of Maharashtra has granted equivalence to the G.D.Art qualification with Art Master or Art teacher diploma. In this view of the matter, the order passed by the tribunal cannot be faulted. As the petitioner is not eligible to be appointed as drawing teacher, he cannot successfully challenge the termination order as he has no right to the post.

3. The learned counsel for the petitioner points out that though G.D.Art qualification is not recognised as prescribed qualification under schedule B, a reference to the same find place in schedule C which deals with the pay scales. It may not be out of place to mention

at this juncture that schedule ‘C’ even prescribes pay scale for an untrained teacher. Just because there is some pay scales prescribed for G.D.Art, that cannot be taken to mean that G.D.Art is a prescribed qualification for the post of drawing teacher. There is no merit in the submission made by the learned counsel for the petitioner. In th result the writ petition is summarily dismissed.